

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**In Re: Ethicon, Inc.,
Pelvic Repair System
Products Liability Litigation**

MDL No. 2327

**THIS DOCUMENT RELATES TO:
ALL CASES**

**APPLICATION OF ROBERT E. PRICE FOR APPOINTMENT
TO THE PLAINTIFFS' STEERING COMMITTEE**

Pursuant to this Court's Pretrial Order #1, I am submitting this application for appointment to serve on the Plaintiffs' steering committee for MDL's 2325, 2326, and 2327. As a member of the law firm of Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A., I have been actively building the firm's transvaginal mesh department. I am licensed in Florida and admitted to practice in federal court in the Northern District of Florida and the Northern District of Illinois. Levin, Papantonio has filed several cases in MDL 2325, 2326, 2327, and 2187, and is amid file workup and due diligence preparation for many more cases involving these transvaginal mesh manufacturers. We represent the plaintiff in *Adams v. Johnson & Johnson et al.*, Case No. 3:12-cv-00148-MCR (noticed and awaiting transfer), and anticipate filing many more cases in this MDL.

Levin, Papantonio, located in Pensacola, Florida, is a firm of over thirty (30) attorneys that has been litigating personal injury and products liability cases since its inception in 1955. Over the last twenty (20) years, the firm has developed a sophisticated mass torts department that is well recognized across the country. The firm organizes and conducts the Mass Torts Made Perfect conference series, designed to educate mass tort attorneys and foster coordination and organization among the plaintiffs' bar. Thus far, Mass Torts Made Perfect has hosted three (3)

conferences in Las Vegas and Philadelphia that have included transvaginal mesh as a presentation topic. The most recent conference in Philadelphia featured a half-day in-depth presentation on transvaginal mesh and hosted a plaintiffs' strategy meeting the night before. During the conference, I, along with many prevalent transvaginal mesh attorneys, made in-depth presentations on complex issues such as polypropylene characteristics, individual device makeup, the learned intermediary defense, regulatory issues, and recent developments in these transvaginal mesh MDL's.

Levin, Papantonio has built a solid foundation for litigating complex cases in all forums across the nation, including West Virginia. In fact, I began my legal career with the firm at the beginning of a complex environmental class-action case in Harrison County, West Virginia. Levin, Papantonio spent several years litigating the *Perrine v. DuPont* case and devoted a high volume of personal and financial resources to this hard-fought litigation. *Perrine v. DuPont* involved contamination claims arising from a century-old zinc smelting facility site located in the small town of Spelter, near Clarksburg, West Virginia. After years of building this litigation, Levin, Papantonio led the trial team that took the case to a jury trial, resulting in a jury verdict in excess of \$380 million.

Members of the firm have served on Plaintiffs' Steering Committees and/or Plaintiffs' Executive Committees in over twenty (20) MDL's across the nation. The Levin, Papantonio firm has dedicated substantial time and resources to any MDL that the firm participates in and has earned a reputation for working diligently and cooperatively with other attorneys. Some recent Levin, Papantonio MDL Committee appointments include, but are not limited to:

- MDL 2299: *In re: Actos (Pioglitazone) Products Liability Litigation*
(Plaintiffs' Steering Committee);
- MDL 2197: *In re: DePuy Orthopaedics, Inc. ASR Hip Implant Products*
(Plaintiffs' Executive Committee);

MDL 2179: *Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010* (Plaintiffs' Executive Committee);
MDL 1909: *In re: Gadolinium Based Contrast Action Litigation* (Co-Lead Counsel);
MDL 2047: *In re: Chinese-Manufactured Drywall Products Liability Litigation* (Plaintiffs' Steering Committee);
MDL 1928: *In re: Trasylol Products Liability Litigation* (Plaintiffs' Steering Committee);
MDL 1789: *In re: Fosamax Products Liability Litigation* (Lead Counsel for Plaintiffs' Steering Committee);
MDL 1742: *In re: Ortho Evra Products Liability Litigation* (Plaintiffs' Steering Committee);
MDL 1726: *In re: Medtronic, Inc., Implantable Defibrillators Products Liability Litigation* (Plaintiffs' Steering Committee, Co-chair Discovery Committee);
MDL 1699 *In re: Guidant Corp. Implantable Defibrillators Products Liability Litigation* (Plaintiffs' Steering Committee);

Members of Levin, Papantonio have traditionally devoted substantial time and resources to any MDL that the firm participates in and have graciously accepted lead, co-lead, or chairperson positions in many of these litigations. I believe our reputation for working cooperatively with other attorneys is evidenced by the fact that we have been asked and have served on Plaintiffs' Executive and/or Steering Committees in numerous Mass Tort MDL's. I would be honored if the Court chose me to serve on the Plaintiffs' Steering Committee for this particular litigation. My firm and I have the resources, willingness, and availability to commit to this important project.

Respectfully submitted,

/s/ Robert E. Price
Robert E. Price; FL Bar # 0085284
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Robert Elliott Price
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I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on October 6, 2010.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is an active member of The Florida Bar in good standing.

Dated this 6th day of March, 2012.

Willie Mae Shepherd
Supervisor, Membership Records
The Florida Bar

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